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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Alfred Valtierra, III,

Plaintiff,

v.

Pinto Valley Mining Corporation,

Defendant.

No. CV-25-00184-PHX-JJT

ORDER

At issue is Defendant Pinto Valley Mining Corporation's Motion to Dismiss Due to Arbitration Agreement (Doc. 11), in which Defendant asks the Court to dismiss this case because the parties entered into a valid written arbitration agreement that applies to Plaintiff Alfred Valtierra's claims in this matter. In response, Plaintiff agrees that the parties are compelled to arbitrate the present dispute under the arbitration agreement, but Plaintiff asks the Court to stay rather than dismiss this case under the terms of the Federal Arbitration Act (FAA). (Doc. 14.)

The FAA, 9 U.S.C. § 3, provides that the Court must stay rather than terminate proceedings pending arbitration upon a party's stay request if the Court determines that the issues involved are subject to arbitration under a written arbitration agreement. *Smith v. Spizzirri*, 601 U.S. 472, 478–79 (2024) (reversing *Forrest v. Spizzirri*, 62 F.4th 1201, 1204–05 (9th Cir. 2023)). Here, the parties do not dispute that this matter is subject to arbitration under a written arbitration agreement, and Plaintiff has requested a stay. Accordingly, the Court will stay these proceedings pending the results of the arbitration.

IT IS THEREFORE ORDERED granting in part Defendant Pinto Valley Mining Corporation's Motion to Dismiss Due to Arbitration Agreement (Doc. 11). The present dispute is subject to arbitration under the parties' written arbitration agreement.

IT IS FURTHER ORDERED staying these proceedings pending arbitration. The parties shall file a joint status report within one week of the arbitrator's decision or by September 26, 2025, whichever is sooner.

IT IS FURTHER ORDERED directing the Clerk of Court to place this case on the inactive calendar.

Dated this 25th day of March, 2025.

Honorable John J. Tuchi United States District Judge